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| APPLICATION NO.                                   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/867,223  | 05/29/2001  | Jonathan Barsade     | BAR-1               | 5920             |
| 24039   | 7590        | 05/22/2006           | EXAMINER            |                  |
| INNOVAR, LLC<br>P O BOX 250647<br>PLANO, TX 75025 |             |                      | RETTA, YEHDEGA      |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3622                |                  |

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/867,223 | <b>Applicant(s)</b><br>BARSADE ET AL. |  |
|                              | <b>Examiner</b><br>Yehdega Retta     | <b>Art Unit</b><br>3622               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/15/02</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 31 recites the limitation "wherein the first and second windows are the same or different ". Claim 31 however does not recite a second window. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Slotznick (US 6,011,537).

Regarding claim 1, Slotznick teaches requesting a new network data stream serving up to a second network browser session an advertisement data stream previously stored in a memory of the user computer; downloading the requested new data stream; wherein is served up while the new data stream is being downloaded, the advertisement data stream was downloaded on the memory prior to the step of requesting a new data stream and the first and second browser sessions are the same session or different session (see fig. 7, col. 20 line 32 to col. 21 line 64, col. 22 lines 37-46, col. 24 lines to col. 25 line 7, col. 25 line 40 to col. 26 line 25, col. 29 lines 15-67, col. 35 line 45 to col. 36 line 67).

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Regarding claims 2-10, Slotznick teaches storing the advertisement data stream in the memory of the user computer while waiting for a previous network data stream to download or while a previous data stream was displayed in the browser session, wherein the first and second sessions are the same or different; browser session is a multi-frame window and the advertisement data stream together comprise at least a major portion of the window (see fig. 4-6 and fig. 17, col. 22 lines 31-67, col. 23 lines 1-54, col. 24 lines 11-49, col. 25 line 8 to col. 28 line 24).

Regarding claims 11-16, Slotznick teaches requesting from a server a second advertisement; and storing the advertisement in the memory and deleting (subsequently requested primary information the first advertisement; software that requests the second advertisement; activating one or more links in the advertisement, etc. (see fig. 7, col. 11 lines 7-37, col. 14 line 18 to col. 15 line 36, col. 16 lines 29-62).

Regarding claim 17, Slotznick teaches plural network servers, at least a first server includes plural advertisement data stream stored in a first memory; and at least a second server of which includes plural network data stream in a second memory; a display component, a browser program and an integrated circuit, the browser program and central processing unit can process BA data streams and network data stream for display and the browser program of a first user computer serves up the first BA data stream to a window for display as a first advertisement during the approximate period of time that occurs between when the first user computer requests a second network data stream from the secondary server and the second network data stream is completely downloaded onto the first user computer (see fig. 3-9, col. 20 line 32 to col. 21 line

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64, col. 22 lines 37-46, col. 24 lines to col. 25 line 7, col. 25 line 40 to col. 26 line 25, col. 29 lines 15-67, col. 35 line 45 to col. 36 line 67).

Regarding claims 18-23, Slotznick teaches the first BA data stream is replaced with a second BA data stream obtained from the first server after the second data stream has been completely downloaded or while the second data stream is being downloaded (see fig. 7); wherein at least one of the data stream comprises of embedded code identifying a specific BA data stream to be downloaded (see col. 31 line 59 to col. 32 line 20); the browser displaying a single window or at least two widows display the first advertisement and the data stream (see fig. 4-6, 10A and 10B).

Regarding claim 24, Slotznick teaches displaying in the window during the approximate period of time beginning about when user computer requests a first network data stream from a network server and ending about when the first network data stream is downloaded on the user computer and is ready for viewing as a first network data stream in the same or different window of the browser and created from the advertisement data stream previously stored in the memory of the user computer the advertisement data stream having been obtained from the server prior to the point of time in which the user computer requested the data stream; wherein the advertisement portion is viewable, audible or a combination thereof (see fig. 7, col. 12 lines 29-53 col. 20 line 32 to col. 21 line 64, col. 22 lines 37-46, col. 24 lines to col. 25 line 7, col. 25 line 40 to col. 26 line 25, col. 29 lines 15-67, col. 35 line 45 to col. 36 line 67).

Regarding claims 25-30, Slotznick teaches the advertisement comprising a major portion of the window; the advertisement and the data stream in the same window; the data stream comprising embedded code requesting a BA data stream (see col. 31 line 59 to col. 32 line 20);

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the data stream selected form group consisting of html file, text, graph, etc (see fig. 4-6, 10A and 10B, col. 22 lines 8-17, col. 24 lines 10-19, col. 31 lines 59-67).

Regarding claims 31-33, 41 and 42, Slotznick teaches a servers having a plurality of advertisement (BA) data streams; a server including a data stream wherein at least one data stream includes BA activation code; submitting requests from the use computer to the severs, network data stream that includes activation code, or optionally include the code or which does not include the code (see fig. 12 and col. 29 lines 15-43) and submitting a request for a first BA data stream initiated by the code; downloading the data stream; downloading the BA data stream and stored in a memory (see col. 29 lines 15-43, col. 31 line 19 to col. 32 line 14, col. 33 lines 4-22, col. 36 lines 1-9); wherein the data stream is displayed in a first window; wherein the first and second window (display of the BA data stream) is the same (see col. 36 line 10 to col. 38 lines 37, col. 40 line 50 to col. 41 line 9, see also fig. 4-6, 10-13 and 17).

Regarding claims 34-37, Slotznick teaches the first and second windows being the same or different and the first window remains open and the second window is closed; stocked, tiled etc. (see col. 14 lines 1-37, col. 15 lines 1-47, col. 24 lines 10-49, col. 36 line 10 to col. 38 lines 37, col. 40 line 50 to col. 41 line 9, see also fig. 4-6, 10-13).

Regarding claim 38, Slotznick teaches the network data stream is superior to the content of the BA (see col. 26 line 39 to col. 27 line 18). Slotznick teaches priority given to the primary information to be displayed.

Regarding claim 39, Slotznick teaches at least one use computer comprises of a second BA data stream prior to submitting the request for a first network data stream (see col. 25 line 39 to col. 26 line 18).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bruck et al. (US 6,268,856) teaches selecting and displaying a second content upon display of currently viewed content (first content).

Perllman (US 6237039) teaches downloading auxiliary data to a client from a network during client idle periods.

Krishan et al. (US 6,442,529) teaches displaying selected advertisement during selected idle time.

Wolfe (US 6397246 B1) teaches, presentation of an informational, e.g., advertising, Web page before presenting the requesting client the Web page at the requested URL.

Servan-Schreiber (US 6892354 B1) teaches a method of advertising on line during a communication link idle time.

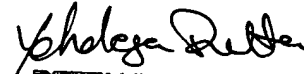
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YR

  
RETTAYEHDEGA  
PRIMARY EXAMINER